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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 Quinn Crossing, LLC,

12 Plaintiff,

13 v.

14 Adriel Leddy, et al.,

15 Defendants.  
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No. 2:21-cv-01745-KJM-KJN

ORDER

17 Defendant Adriel Leddy, who appears pro se, removed this unlawful detainer action from  
18 Solano County Superior Court. *See* Not. Removal, ECF No. 1. Leddy has also moved to proceed  
19 in forma pauperis. *See* Mot., ECF No. 2. The court has reviewed the complaint and notice of  
20 removal and has determined on its own motion that it lacks subject matter jurisdiction. This  
21 action is thus **remanded** to the state court.

22 When a case “of which the district courts of the United States have original jurisdiction” is  
23 initially brought in state court, a defendant may remove it to federal court. 28 U.S.C. § 1441(a).  
24 There are two primary bases for federal subject matter jurisdiction. First, under § 1331, district  
25 courts have federal question jurisdiction over “all civil actions arising under the Constitution,  
26 laws, or treaties of the United States.” 28 U.S.C. § 1331. Second, under § 1332, district courts  
27 have diversity-of-citizenship jurisdiction where the amount in controversy exceeds \$75,000 and  
28 the parties are completely diverse. 28 U.S.C. § 1332.

1 Here, the parties are not diverse, and the complaint includes no claims arising under  
2 federal law. *See generally* Compl., Notice of Removal Ex. A, ECF No. 1. Leddy argues this  
3 court has federal question jurisdiction “because Defendant’s demurrer . . . depend[s] on the  
4 determination of Defendant’s rights and Plaintiff’s duties under federal law.” *Id.* ¶ 10. Federal  
5 question jurisdiction cannot rest upon an actual or anticipated defense or counterclaim. *Vaden v.*  
6 *Discover Bank*, 556 U.S. 49, 60 (2009).

7 A federal district court may remand a case on its own motion where a defendant has not  
8 established federal jurisdiction. *See* 28 U.S.C. § 1447(c); *Enrich v. Touche Ross & Co.*, 846 F.2d  
9 1190, 1195 (9th Cir. 1988) (citing *Wilson v. Republic Iron & Steel Co.*, 257 U.S. 92, 97 (1921)).  
10 This action is thus **remanded** to the Solano County Superior Court.

11 The motion to proceed in forma pauperis is **denied as moot**.

12 The Clerk’s Office is directed to **close this case**.

13 IT IS SO ORDERED.

14 DATED: September 28, 2021.

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CHIEF UNITED STATES DISTRICT JUDGE